

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jimmy E. Blessing)	Civil Action No.: 6:16-1832-BHH
)	
)	
Plaintiff,)	
)	
)	
v.)	
)	
)	
Holly Scaturo, Director,)	<u>ORDER</u>
Ms. Kimberly Poholchuk, B.M.C. Program)	
Director,)	
Ms. Cynthia Helff, B.M.C.)	
Dr. Gothard, Psychologist,)	
Dr. Brown, Psychologist,)	
Dr. Trass, Psychologist,)	
Dr. Swan, Psychologist,)	
Ms. Marie Gehle, Evaluator,)	
Dr. Donna Schwartz-Watts, Psychologist,)	
Capt. Frank Abney, P.S.O Supervisor,)	
Mr. Galen Sanders, Chief Nursing)	
Administrator,)	
Mr. Harold Alexander, R.N.,)	
Ms. Charlene Hickman, R.N.,)	
Dr. John McGill, Director of Department of)	
Mental Health,)	
Mr. Allen Wilson, Attorney General,)	
)	
Defendants.)	
)	

Plaintiff Jimmy E. Blessing (“Plaintiff”), proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights, along with 14 other people who were terminated from this action. (ECF No. 1.) The 15 original plaintiffs filed a motion to certify class (ECF No. 41), and four of them also filed motions for reconsideration of the Order of Magistrate Judge Kevin F. McDonald (ECF No. 29) which terminated them from the case (ECF Nos. 42, 43, 44, 45).

In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this matter was referred to United States Magistrate Kevin F. McDonald, for pretrial handling.

On August 11, 2016, Magistrate Judge McDonald issued a Report and Recommendation recommending that the Court deny the motion to certify class and the motions for reconsideration. (ECF No. 50.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. On August 11, 2016, Plaintiff and the 14 terminated Plaintiffs were advised of their right to file objections to the Report and Recommendation. (ECF No. 50 at 5). However, neither Plaintiff nor the 14 terminated Plaintiffs have filed any objections, and the time to do so expired on August 29, 2016. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is approved and incorporated herein by reference. The motion to certify class (ECF No. 41) and the motions for reconsideration (ECF Nos. 42, 43, 44, 45) are DENIED.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

September 20, 2016
Greenville, South Carolina